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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,185	03/01/2001	Harald Schiller	PD980062	6625

7590 02/22/2006  
Joseph S Tripoli  
Thomson Multimedia Licensing Inc  
CN 5312  
Princeton, NJ 08540-0028

EXAMINER

VENT, JAMIE J

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/786,185		SCHILLER ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Jamie Vent		2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-11 is/are allowed.
- 6) ☒ Claim(s) 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed October 21, 2005 have been fully considered but they are not persuasive.

On Page 2, applicant argues that Claim 12 recites a functional interrelationship between elements through the following limitation: “..wherein all delta time duration values up to the nearest time duration for the piece having said target address can be accumulated and the corresponding running index for the delta time duration entry related to the nearest time duration value can be multiplied by said constant bit number in order to computer a target piece address value on the storage medium”. The examiner notes that the limitation does not positively recite claimed elements due to the limitation stating “can be multiplied by said constant bit number in order to computer a target piece address value on the storage medium”. It is further noted the MPEP recited in 2111.04 that wherein clauses does not give patentable weight and thereby the examiner does not agree that the claim recites functional descriptive material.

On Page 3, applicant argues a “computer readable medium having functional descriptive material encoded thereon constitutes statutory subject matter”. It is noted the recited claim states “Storage medium containing pieces of a bit stream and an address table”. Therefore, in response to applicant's argument that the functional descriptive material is claimed the examiner notes that the features upon which applicant relies (i.e., computer readable storage medium) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, it is noted the examiner feels that no functional descriptive multi-media material on a computer readable medium is recited and therefore the rejection is maintained.

***Allowable Subject Matter***

2. Claims 9-11 are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter:

In regard to Claims 9, 12, and 13 the prior art of record, Ando et al (US 6556772), discloses method of addressing pieces of the bit stream to be recorded on a storage medium. Furthermore, information assigned to the pieces of the bit stream allow for the user to determine information about what is stored on the recording medium as further discussed in seen in Figures 32-33 and discussed in Column 41 Lines 19-50; however, the prior art of record fails to teach, suggest or partly disclose an apparatus in combination of the above apparatus comprising an address table entry for said pieces a delta time duration value is assigned in the said address table, wherein the delta time duration is the difference between the arrival time of the data packet following immediately the last data packet.

Additionally, Tozaki et al (EP 0 797 204) discloses a recording method and apparatus wherein access information is divided into data groups that are used to manage and access the information for the recording medium. Furthermore, the management information is available in cell information table, Figure 6, wherein it is

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determined whether or not two addresses are indicated to be apart from each other by one time unit by the time unit address information; however, the prior art of record fails to teach, suggest, or partly disclose an apparatus in combination with the above apparatus wherein an address table entry for said pieces of a delta time duration, which is recited in applicant's Claims 8, 12, and 13.

Furthermore, Hirabayashi et al (EP 0 729 153) discloses a recording method and apparatus wherein data tables are used to access information regarding the data stream for trick play purposes. It is shown in Figures 1-5 tables that provide information pertaining to sector addresses, time codes, and content wherein all of the sector addresses are recorded and thereby lacking an address table that records the delta time duration value regarding the recorded information. Therefore, it is seen the prior art of record fails to teach, suggest, or partly disclose an apparatus in combination comprising:

*" Method for addressing pieces of a bit stream to be recorded or being recorded on a storage medium, wherein an address table is used to assign time information to said pieces and wherein each of said pieces include a constant number of bits wherein: said pieces contain data packets to each address table entry for said pieces a delta time duration value is assigned in said address table, wherein such delta time duration value is the difference between the arrival time of the first data packet of a piece and the arrival time of the data packet following immediately the last data packet."*

**Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 12-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In regard to Claims 12 and 13 states a storage medium/device with various information that can be manipulated "in order to computer a target piece of address value on the storage medium". Thereby, the non-functional descriptive material (ie storage medium) fails to disclose a useful, concrete, and tangible result.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

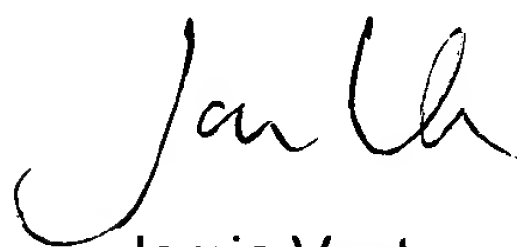
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Contact Information**

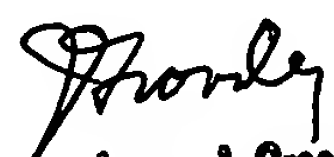
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamie Vent  
01/06/06



James J. Groody  
Supervisory Patent Examiner  
Art Unit 262 2616